

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Holly L. Fry Specialized Loan Servicing LLC vs. Holly L. Fry David Fry Thomas Joseph Farrell, Jr William C. Miller Esq.		Debtor(s) Movant Debtor Co-Debtor Trustee
		CHAPTER 13 NO. 17-17480 mdc 11 U.S.C. Section 362 and 1301

**MOTION OF SPECIALIZED LOAN SERVICING LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 & 1301**

1. Movant is Specialized Loan Servicing LLC.
2. Debtor and Co-Debtors , David Fry and Thomas Joseph Farrell Jr., is/are the owner(s) of the premises 2218 E Cumberland St, Philadelphia, PA 19125-2204, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$176,000.00 on the mortgaged premises that was executed on July 07, 2006. Said mortgage was recorded on July 15, 2006 at instrument #51485452. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 14, 2018, Instrument Number 53328773 in Philadelphia County.
4. Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.
5. William C. Miller Esq., is the Trustee appointed by the Court.

6. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).

7. Debtor and Co-Debtors ,David Fry and Thomas Joseph Farrell Jr., has/have failed to make the monthly post-petition mortgage payments in the amount of \$1,326.03 for months of December 2017 through January 2018 and \$1,314.20 for the months of February 2018 through August 2018 plus Bankruptcy fees in the amount of \$950.00.

8. The total amount necessary to reinstate the loan post-petition is \$12,801.46.

9. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$687.00.

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Kevin G. McDonald, Esquire
Kevin G. McDonald Esquire
KML Law Group, P.C.
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106
Phone: (215)-627-1322
Attorneys for Movant/Applicant